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January 24, 2008

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Honorable Linda B. Riegler  
United States Bankruptcy Judge  
300 So. Las Vegas Blvd.  
Las Vegas, NV. 89101

U.S. BANKRUPTCY COURT  
MARY A. SCOTT, CLERK

Your Honor:

I am submitting the covering front pages of legal documents that were mailed to me by Renee Creswell of Lewis and Roca, LLP Lawyers. They cover the fact that I filed a claim for non payment of a loan to HFA North Yonkers. A hearing has been scheduled for February 21, 2008, in your courtroom.

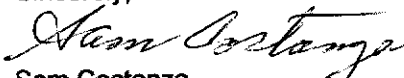
It is apparent that somewhere in the past, with the multitude of forms that investors like me, were constantly being asked to submit to Investors LLC, that I inadvertently included the name of HFA North Yonkers in the wrong section of listed loans. The HFA North Yonkers loan was repaid in full a short while after May of 2006, to the Sam Costanza 1987 Survivor's Trust, of which I am the Trustee. This claim was filed without my knowledge or consent, and if Investors LLC had contacted me before taking this action, I would have apprized them of the fact that the loan had been fully repaid.

I have notified Ms. Renee Creswell of Lewis and Roca, of the fact that the HFA North Yonkers Loan has been repaid in full, to the Sam Costanza 1987 Survivor's Trust, and that the filing of this claim should not have taken place, and requested that they consider dropping the case.

I am now appealing to you, after considering the above explanation, that your Honor please consider dropping the case and the hearing. For in reality, I am not requesting payment from HFA North Yonkers.

If possible, I would appreciate being advised of your decision on the above matter. Thank you for your valuable time in reviewing the above information.

Sincerely,



Sam Costanza  
9809 Canterbury Rose Lane  
Las Vegas, NV. 89134

Docket as  
a withdrawal  
of claim  
1909

**LEWIS  
AND  
ROCA**  
LLP  
LAWYERS

E-Filed on 1/18/08

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC, Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**FIRST OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED, IN WHOLE OR IN  
PART, UPON INVESTMENT IN  
THE ONE POINT STREET, LLC -  
HFA NORTH YONKERS LOAN;  
AND CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

The USACM Liquidating Trust (the "USACM Trust") moves this Court, pursuant to § 502 of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for an order disallowing the Proofs of Claim filed by individual investors ("Direct Lenders") against USA Commercial Mortgage Company ("USACM") to the extent such claims are based upon an investment in the One Point Street, LLC - HFA North Yonkers Loan (the

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Attorneys for USACM Liquidating Trust

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DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

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Case No. BK-S-06-10726-LBR  
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Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
FIRST OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE ONE POINT  
STREET, LLC - HFA NORTH  
YONKERS LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE ONE  
POINT STREET, LLC - HFA NORTH YONKERS LOAN BECAUSE THE  
USACM TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR  
YOUR INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT**

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
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USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
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Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**DECLARATION OF EDWARD M.  
BURR IN SUPPORT OF OMNIBUS  
OBJECTIONS TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE ONE POINT  
STREET, LLC - HFA NORTH  
YONKERS LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

I, Edward M. Burr, hereby declare under penalty of perjury that:

1. I am a principal with Sierra Consulting Group, LLC ("Sierra"). Sierra is one of the leading providers of restructuring advisory and litigation support services in the Southwest. Sierra is a leading national consulting firm comprised of experienced CPAs and other financial professionals.